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9 MARCELLA TRAN

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 MARCELLA TRAN

Case No. 07-04384 PJH

14 Plaintiff,

PLAINTIFF'S INITIAL DISCLOSURE
[Federal Rule of Civil Procedure 26 and
Local Rule 16-5]

15 v.

16 GEORGE HALVARSON,
CEO/CHAIRMAN, KAISER
17 FOUNDATION HOSPITALS;
BETTIE COLES; RICHARD SIMMS;
18 PATRICIA HERNANDEZ; BRENDA
ROBINSON; MILTON AQUINO;
19 EARLENE PERSON;
YOLANDA CHAVEZ; SAL CURSIO and
20 Does 1 through 20 Inclusive

21 Defendants.
22 _____/

23 Pursuant to Federal Rule of Civil Procedure 26 and Local Rule 16-5, Plaintiff Marcella Tran,
24 makes the following initial disclosure of information and documents. Plaintiff's disclosure is made
25 to the best of Plaintiff's counsel's present knowledge, information and belief, formed after an inquiry
26 that is reasonable under the circumstances, and the disclosure is complete and correct as of the time
27 it is made. Therefore, the below responses are at all times subject to such additional or different
28 information that discovery or further investigation may disclose.

1 A. Witnesses - Plaintiff as of this date has ascertained that the following individuals are
2 likely to have discoverable information relevant to disputed facts regarding discrimination:

3 Lay Witnesses

- 4 1. Paul Sim Phua
- 5 2. DeWayne Deloney
- 6 3. Randy Veasey
- 7 4. Ora L. Marderhorn
- 8 5. Marsha Kimle (sp ?)
- 9 6. Rhonda Bendord
- 10 7. Steve Tognini
- 11 8. Edna A. Eldegon (sp ?)
- 12 9. Aida Perez
- 13 10. Penco R. Guevara

14 All of the foregoing are employees of Kaiser Foundation Hospitals. Their addresses and
15 phone numbers should be available to Defendant. All of the foregoing witnessed the incidents of
16 discrimination and harassment giving rise to this lawsuit.

17 B. Identity of Documents Under F.R. Civ. Proc. 23(a)(1)(B). Attached hereto as
18 **Exhibit "A"** is a list identifying all writings within the control or custody of Plaintiff which are
19 unprivileged, may be relevant to disputed facts alleged in the Complaint, and which tend to support
20 the position that Plaintiff is reasonably likely to take in the case.

21 C. Insurance Agreements - None to Plaintiff's knowledge.

22 D. Damages Computation - Plaintiff had hoped to have precise calculations for her wage
23 loss. It is anticipated that those calculations will be available no later than November 30, 2007, and
24 will be provided to defense counsel immediately thereafter.

25 Plaintiff's claim for general damages is valued at least \$150,000.00, subject to future
26 amendment.

27 DATED: November 28, 2007

28 /S/
CHARLES J. KATZ, ESQ., Attorney for Plaintiff
MARCELLA TRAN

Exhibit “A”

- 1
- 2 1. Letter of suspension dated May 3, 2003.
- 3 2. Work orders (17 pages).
- 4 3. Letter from Plaintiff to U H W Local 250 dated March 2, 2006.
- 5 4. Letter addressed “To Whom It May Concern” dated February 15,. 2006.
- 6 5. Letter from Claudia L. Kruise dated December 12, 2005.
- 7 6. Letter from Dewayne Deloney dated December 2, 2005.
- 8 7. Letter from Randy Veasey dated November 30, 2005.
- 9 8. Letter from Ora L. Marderhorn dated August 15, 2005.
- 10 9. Letter from Marsha Kimle (sp?) (undated).
- 11 10. DMV print-out dated June 20, 2005.
- 12 11. Letter from Kaiser Permanente Oakland Medical Center Environmental Services
13 Department to Plaintiff dated June 16, 2005.
- 14 12. Statement Regarding the June 9, 2005 Pharmacy Incident with letter from
15 Steve Tognini (sp?) dated June 15, 2005.
- 16 13. Letter from Plaintiff to Gail Kato dated March 16, 2004.
- 17 14. Letter addressed “To Whom It May Concern” dated March 2, 2004.
- 18 15. Letter from Plaintiff to Worker’s Comp dated June 20, 2003.
- 19 16. Undated letter from Plaintiff (5 pages).
- 20 17. Award of Appreciation.
- 21 18. Certification of Recognition.
- 22 19. Employee Performance Evaluation dated December 12, 1997 (poor quality).
- 23 20. Letter from Alice C. Tso dated May 22, 2003.
- 24 21. Letter from Les Campbell dated September 18, 2006.
- 25 22. Facility Operations Incident Report Form with photograph of floor lift.
- 26 23. Environmental Services Duty List (2 pages).
- 27 24. Letter addressed “To Whom It May Concern” dated August 25, 2006.
- 28 25. Final Last Chance Agreement dated February 12, 2004.

- 1 26. Letter from Dewayne Deloney dated October 21, 2002.
- 2 27. Letter from NLRB dated August 21, 2006 with attachments 8 pages “document appears
- 3 to contain page 2 of letter from NLRB dated August 21, 2006.
- 4 28. Letter from Rhonda Benford dated September 18, 2006.
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PROOF OF SERVICE

I declare that:

I am a citizen of the United States and employed in San Mateo County, California; I am over the age of eighteen years and not a party to the within action. My business address is 475 El Camino Real, Suite 300, Millbrae, CA 94030. Today, I served:

PLAINTIFF'S INITIAL DISCLOSURE
[Federal Rule of Civil Procedure 26 and Local Rule 16-5]

X by causing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, to be placed in the United States Post Office mail box at Millbrae, California, addressed as indicated below. (I am readily familiar with this business' practice of collecting and processing correspondence for mailing mail. It is deposited with the U.S. Postal Service on the same day in the ordinary course of business).

___ by FACSIMILE as follows: I caused the said document to be transmitted by Facsimile machine to the addressee(s) at their fax numbers indicated below. The Facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2005(i), I caused the machine to print a transmission record of the transmission.

___ by PERSONAL SERVICE as follows: I caused each such envelope to be delivered by hand to the addressee(s) identified below:

Andrew Mc Naught, Esq.
Seyfarth Shaw LLP
560 Mission St., Suite 3100
San Francisco, CA 94105

I declare under penalty of perjury and under the laws of the State of California that the foregoing is true and correct.

Dated: November 28, 2007

/S/
EILEEN C. SANDOVAL